

## Senate Amendments to House Bill No. 534

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

6           **SECTION 1.** Section 43-13-405, Mississippi Code of 1972, is  
7 amended as follows:  
8           43-13-405. (1) In accordance with the purposes of this  
9 article, there is established in the State Treasury the Health  
10 Care Trust Fund, into which shall be deposited Two Hundred Eighty  
11 Million Dollars (\$280,000,000.00) of the funds received by the  
12 State of Mississippi as a result of the tobacco settlement as of  
13 the end of fiscal year 1999, and all tobacco settlement  
14 installment payments made in subsequent years for which the use or  
15 purpose for expenditure is not restricted by the terms of the  
16 settlement, except as otherwise provided in Section 43-13-407(2)  
17 and (3). All income from the investment of the funds in the  
18 Health Care Trust Fund shall be credited to the account of the  
19 Health Care Trust Fund. The funds in the Health Care Trust Fund  
20 at the end of a fiscal year shall not lapse into the State General  
21 Fund.  
22           (2) The Health Care Trust Fund shall remain inviolate and  
23 shall never be expended, except as provided in this article. The  
24 Legislature shall appropriate from the Health Care Trust Fund such  
25 sums as are necessary to recoup any funds lost as a result of any  
26 of the following actions:  
27           (a) The federal Centers for Medicare and Medicaid  
28 Services, or other agency of the federal government, is successful  
29 in recouping tobacco settlement funds from the State of  
30 Mississippi;

31           (b) The federal share of funds for the support of the  
32 Mississippi Medicaid Program is reduced directly or indirectly as  
33 a result of the tobacco settlement;

34           (c) Federal funding for any other program is reduced as  
35 a result of the tobacco settlement; or

36           (d) Tobacco cessation programs are mandated by the  
37 federal government or court order.

38           (3) This section shall stand repealed on July 1, 2011.

39           **SECTION 2.** This act shall take effect and be in force from  
40 and after July 1, 2006.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 43-13-405, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF THE REPEALER ON THE SECTION THAT ESTABLISHES  
3 THE HEALTH CARE TRUST FUND IN THE STATE TREASURY; AND FOR RELATED  
4 PURPOSES.

SS26\HB534A.J

John O. Gilbert  
Secretary of the Senate